

Initial Question Period
RFB# OCA/CP-249: Photocopier Rental Program
Deadline: 02/03/2020

RFB DOCUMENT

Question 1: Kindly share Bid documents. Link seems to be not working.

Answer: The RFB will be available at some point today. The NYSCR ad publishes much earlier than my IT staff arrives. Please continue to check the link throughout the day. If there are issues, I will follow up on the solicitation email I sent earlier.

Question 2: I would like to request the bid document for RFB# OCA/CP-249 Photocopier Rental Program.

Answer: The Request for Bid # OCA/CP-249 is now available for viewing, printing and/or download at:
<http://ww2.nycourts.gov/admin/bids/currentsolicitations.shtml> .

Note: The PDF versions of the inventory exhibits (Exhibits D, E and F) are incorporated into the RFB document. FOR YOUR CONVENIENCE the workable Excel spreadsheet versions of these Exhibits are available to download to your desktop in the "RFB/RFP Description" column following the above link.

Q&A

Question 3: Will all questions and answers from all vendors be shared with all responders?

Answer: The initial Question & Answer compilation covering the period of the date of Bid Issue (01/24/2020) to the question asking deadline of 02/03/20 at 3:00 p.m. will be issued to all bidders and posted with the RFB# OCA/CP-249 on the NYCOURTS.GOV website under "Current Solicitations": <http://ww2.nycourts.gov/admin/bids/currentsolicitations.shtml> .

MANDATORY PRE-BID CONFERENCE

Question 4: Can you please confirm the address for the mandatory meeting on 2/7. My GPS is not picking up 4 ESP.

Answer: Our mailing/shipping address is "4 ESP". For GPS, try "Empire State Plaza" or "Empire State Plaza, Agency Building 4."

If that fails to give you GPS results, please try "Visitor's Parking, Empire State Plaza". That will get you to the parking lot where you can access an elevator to the Concourse level. From there, you may follow the ceiling signs to "Agency Building 4".

There is a security checkpoint to pass through before you can get on the Agency Building elevators that will bring you to the 19th floor. Once you R.S.V.P. for the mandatory pre-bid conference, your name will go on the list at the security desk. You will have to sign in to get temporary building access credentials (which you will have to surrender back when you depart).

Question 5: Do you need attendee names for the (mandatory pre-bid) meeting or will this response suffice?

Answer: Names of attendees are required. They need to be given to building security.

Question 6: At your convenience, please provide instructions to call-in prior to this conference.

Answer: Bidders are required to notify Gabrielle Tanski-Shaver of their planned attendance, in person or by conference call at gtanski@nycourts.gov . Teleconference information will be provided at that time.

If you have already responded that you will be attending the mandatory pre-bid conference by teleconference and are awaiting the call-in information, you do not need to respond again. The information will be emailed to you.

Question 7: Will vendors have an opportunity to ask a 2nd round of questions based on the answers to this round of QA?

Question 8: Will there be an opportunity for a second round of questions?

The Mandatory Pre-Bid Conference on Friday, February 7, 2020 will be the last opportunity to ask questions. A Q&A compiled during that mandatory conference will be released only to the bidders in attendance. There will be no further questions entertained after February 7.

EQUIPMENT

Question 9: Can you please provide a specific breakdown of how many units in each category require the 11 x 17 capability.

Answer: In all Categories, the Equipment offered must be capable of processing, via on-line or off-feed capability, oversized paper up to and including 11" x 17".

Question 10: What % of 11 x 17 is either copied or printed on these devices?

Answer: The Equipment offered must be capable of processing the allowable copies per month by Category, regardless of the size of paper copied or printed.

Question 11: What are the key documents that require 11 x 17 copying/printing?

Answer: The Equipment offered must be capable of copying single sheets, open books and three (3) dimensional objects.

Question 12: How many cases of 11 x 17 paper do the courts purchase annually?

Answer: That information is outside the scope of this RFB.

Question 13: Will you accept an alternate bid for letter/legal devices?

Answer: If the question is asking if the UCS will accept an alternative bid for letter/legal devices in lieu of 11" x 17" copying/printing, the answer is no. In all Categories, the Equipment offered must be capable of processing, via on-line or off-feed capability, oversized paper up to and including 11" x 17".

Question 14: Do you require any color machines? If yes, should there be another category?

Question 15: Is the Courts only looking for B&W devices (no color models)?

Answer: This RFB is for the provision of Equipment employing digital technology to produce black & white copies. Equipment that also produces color copies and that otherwise meets bid specifications may be offered but that feature will not be considered in the bid evaluation.

Question 16: Do all models have to be energy star compliant?

Answer: Yes. See: Exhibit G: Detailed Equipment Specifications, I. General Requirements for all Copiers, A. Equipment, (6).

Question 17: On page 373 under base model requirements 4GB of system memory are required. Will 3GB be acceptable?

Answer: No.

Question 18: On page 374 of the published specs under finishing item1 and 4. Item 1 “stapler” is defined as having saddle stitch. Item 4 “booklet maker” is also defined as having saddle stitch. Do you need saddle stitch on all of the base model finishers (staplers)?

Answer: Yes.

Question 19: On Page 374 of the published specs under finisher item 3. This asks for a tri-fold unit within the copier. Will an offline tri-fold unit be acceptable?

Answer: UCS will consider a folding unit that is not physically within the copier provided it is the manufacturer-approved unit for the copier and it functions in the same manner as an in-unit folder.

COPIER CATEGORY/MONTHLY COPY ALLOWANCE

Question 20: Can UCS provide actual volumes per unit?

Question 21: Can the Courts provide the current meter readings for all devices? Can the Courts provide at least 6 months of meter history for all devices?

Answer: No. The data has not been compiled and will not be made available.

EXHIBITS

Question 22: In order to provide a fair bidding platform for all bidders, can you provide actual volumes of the existing fleet?

Answer: See Exhibit D – Statewide Copier Inventory.

Question 23: Exhibit E --Tab Terminations - Are the 15 terminated units referenced the number of units terminated for the entire term of the contract?

Answer: The information contained therein is based on the most recent UCS statewide copier data.

Question 24: Exhibit E --Tab Replaced existing fleet: Most of the equipment replaced was in the same category and not upgraded or downgraded. What was the reason for the replacements?

Answer: Replacement of Equipment, Equipment Accessory and/or Copier Category – either for malfunction of existing equipment or to meet a Location’s changing need - throughout the term of the contract is at the sole discretion of the UCS.

Question 25: Exhibit E --Additions to fleet: Were the additions to the fleet all new equipment or were some of the terminations used to fill the addition requests?

Answer: “Additions” to fleet must be new. See: Exhibit G: Detailed Equipment Specifications, I. General Requirements for all Copiers, A. Equipment, (2) for full details.

Question 26: Section H Equipment Removal -- It states that the awarded Vendor is required to pick up the existing equipment. Does that mean the awarded vendor then has title of equipment or that the awarded vendor needs to return the equipment to the displaced vendor?

Answer: The cited section pertains to this RFB and any subsequent Award only. It does not apply to Equipment currently at UCS Locations.

Question 27: How are we to read Exhibit E Recent History, are all the units being replaced at one time? What does Column J mean, the Courts are showing installation dates. This includes both tabs additions to fleet and replaced in existing fleet. Are the 15 terminations not being replaced?

Answer: Exhibit E was provided to show bidders that the UCS copier fleet is not static. Exhibit E reflects a multi-year history of fleet changes. Additions, replacements and terminations (copiers being removed and not replaced) are at the sole discretion of the UCS throughout the contract term.

CONTRACT TERMS and CONDITIONS

Question 28: It seems historically, UCS keeps the devices for the 5-year term. Would UCS consider a 5-year contract, this would result in lower cost to UCS from all bidders and given the T&C's you would be benefit greatly.

Answer: The Initial Term of Contract is three (3) years. Any Renewal Term thereafter is at the sole discretion of the UCS.

Question 29: If the contract is extended into years 4 and 5, has pricing remained the same? Increased or decreased? What is UCS' expectation?

Answer: OCA reserves the right to renew the Contract for two (2) additional one (1) year periods upon the same terms and conditions excluding pricing. See IV. PRICING, “Price Adjustments” for Renewal Term pricing.

Question 30: Do devices placed during term of contract need to be coterminous?

Answer: All Equipment rented will be subject to the termination date of the awarded contract regardless of when it was placed at a UCS Location.

Question 31: RFP indicates this is a “rental” in some sections but indicates a “3 year term” in other sections. Is this going to be a rental or a 3 year lease?

Answer: The bid solicitation is for the rental of Equipment.

Question 32: Is the only termination for cause?

Answer: Yes.

BID RESPONSE

Question 33: Will UCS consider more than one submission from the same Manufacturer?

Answer: Yes.

Question 34: Can an authorized Dealer provide multiple responses from different Manufacturers?

Answer: Yes.

Question 35: Will you consider alternate models in addition to all those that meet the full requirements of the bid?

Answer: The UCS is requesting Equipment that meets all RFB specifications. Bidders may offer Equipment models with additional features, but such features will not be considered in the bid evaluation.

Question 36: Will NYS UCS OCA accept Bids that include leasing options with financing institutions, or are you only accepting 1st party rental agreements options.

Answer: The UCS will not enter into any third-party financing agreements as a party, guarantor or in any other capacity, nor be bound by the any terms thereof in connection with leasing the Equipment.

MISCELLANEOUS

Question 37: Is this bid no exceptions?

page 4 #3 states "Do not alter this solicitation in any manner. Any changes, deletions, or additions (including the addition of supplemental terms and conditions) to this RFB or to any exhibits or appendices to this RFB, including Exhibit A/Pricing Sheet, may result in the rejection of the bid as non-responsive."

Answer: As stated in the provision at page 4 cited above, the bid solicitation may not be altered. In addition, pursuant to the RFB provision, "Minor Bid Irregularities", UCS may waive certain minor irregularities, unmet requirements and consider alternates or enhancements; however, the foregoing is within the sole discretion of UCS, and any such bid submission is made at the sole risk of the bidder that any such submission may be rejected, and that its bid may be disqualified.

Question 38: How is UCS defining duly authorized dealer?

Answer: Bidder must submit proof satisfactory to UCS that it is an original manufacturer or duly authorized dealer of the Equipment offered in its bid proposal. Satisfactory proof may include, but not be limited to, a letter from the original manufacturer stating that bidder is a duly authorized dealer of its equipment. See "Clarification/Correction of Bids/Proposals" for the UCS reservation of right to request additional information.

Question 39: Would UCS consider making this a lease instead of a rental with the flexibility to replace or upgrade / downgrade a portion of the fleet as this could benefit UCS from an ROI perspective?

The bid solicitation is for the rental of Equipment, and not for an equipment lease. Any use of the term "lease" in the bid shall be read in such context.

Question 40: Not sure what this means:

Service Call Requirements

Awarded Contractor shall confine operations at the site to areas necessary to perform Services, and shall, if necessary, maintain suitable, adequate and lawful barricades, guard lights, warning and all safeguards, to protect all property and personnel, public or private.

Answer: The above provision is intended to cover on-site service calls to UCS Locations.

Question 41: What is the definition of comparable product in the eyes of USC (See below)? What cost basis is US using for comparison, MSRP?

Attachment 1 Certification of recycled products;

*Pursuant to Sec. 40-a of the Judiciary Law (L. 1994, c.468), it is the policy of the UCS that products purchased by the courts shall be recycled products, which meet contract specifications, unless the product is only available without recycled content, and provided that the cost of the recycled product does **not exceed a cost premium of ten percent (10%) above the cost of a comparable product that is not a recycled product** or, if at least fifty percent (50%) of the secondary materials used in the manufacture of that product are generated from the waste stream of NYS, the cost of the recycled product does not exceed a cost premium of fifteen (15%) above the cost of a comparable product that is not a recycled product.*

Answer: The requirement to include Bidder's Certification of Recycled Products (Attachment 1, page 6) and Manufacturers Affidavit of Recycled Content (Attachment I, page 7) forms as part of the bid response is an error on the part of the UCS. These forms address the purchase of recycled products not the specifications for this RFB. Failure to include page 6 and page 7 as required by the Document Enclosure Checklist will not be grounds to disqualify a bidder's response. We regret the error.

Question 42: Would you be willing to contract under one of the cooperatives such as Omnia Partners /National IPA?

Answer: UCS will consider proposals submitted by entities with a minimum of three (3) years' experience in the provision of similar services required under this solicitation. Bids will only be considered from original manufacturers or authorized dealers of the Equipment submitted.